

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: ) Chapter 7  
EFRAIN ASCENCIO and ) Case No. 09-20440  
MARIBEL SANTOS, )  
Debtors. ) Hon. Eugene R. Wedoff

FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION AND FOR  
REIMBURSEMENT OF EXPENSES AS GENERAL COUNSEL TO THE TRUSTEE

Cover Sheet for Application for Professional Compensation

Name of Applicant(s): Thomas E. Springer, Esq. and the law firm of Springer Brown, LLC

Authorized to Provide Professional Services to: N. Neville Reid, Trustee of the Estate of Efrain Ascencio and Maribel Santos, Chapter 7 Bankruptcy No. 09-20440.

Date of Order Authorizing Employment: February 23, 2010

Period for which Compensation is Sought: January 15, 2010 through April 2, 2015

Amount of Fees Sought: \$ 10,397.50

Amount of Expense Reimbursement Sought: \$ 219.70

This is an: Interim Application        Final Application X

If this is not the first application filed herein by this professional, disclosure as to all prior fee applications:

Date Filed	Period Covered	Total Requested	Total Allowed	Any Amount Withheld by Order
N/A	N/A	N/A	N/A	N/A

The amount of fees and expenses paid to the Applicant to date for Service rendered and expenses incurred herein is: \$ -0-.

**In re: Efrain Ascencio and Maribel Santos  
Chapter 7 No. 09-20440  
Cover Sheet for Application for Professional Compensation by Trustee's General  
Counsel  
(PAGE TWO of TWO)**

Professionals retained and represented as follows in this Application for Allowance of Compensation and Reimbursement of Expenses as Counsel to the Trustee:

Name of Professional	Hourly Rates	Hours of Service	Value of Service
Thomas E. Springer, Attorney (TES)	\$400.00	11.8	\$ 4,720.00
Elizabeth A. Bates, Attorney (EAB)	\$375.00	12.8	\$ 4,800.00
David R. Brown, Attorney (DRB)	\$425.00	0.5	\$ 212.50
Michele M. Springer, Attorney (MMS)	\$350.00	1.4	\$ 490.00
Joshua D. Greene, Attorney (JDG)	\$350.00	0.5	\$ 175.00
<b>TOTALS</b>		<b>27.0</b>	<b>\$10,397.50</b>

A Summary and Total of Fee Application Categories is Attached hereto.

DATE: April 2, 2015

Respectfully Submitted,  
APPLICANT for  
N. Neville Reid, Trustee

BY: Springer Brown, LLC

By: /s/ Thomas E. Springer  
Thomas E. Springer  
One of His Attorneys

Thomas E. Springer  
Springer Brown, LLC  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: ) Chapter 7  
EFRAIN ASCENCIO and ) Case No. 09-20440  
MARIBEL SANTOS, )  
Debtors. ) Hon. Eugene R. Wedoff

**FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION AND FOR  
REIMBURSEMENT OF EXPENSES AS GENERAL COUNSEL TO THE TRUSTEE**

NOW COMES Thomas E. Springer, Esq. and the law firm of Springer Brown, LLC (herein "Applicant"), as duly authorized general counsel to the Trustee, N. Neville Reid, (herein the "Trustee") and respectfully requests the entry of an Order for the allowance and payment of compensation and reimbursement of expenses for services rendered and expenses incurred as counsel to the Trustee pursuant to §330 of the United States Bankruptcy Code and applicable Federal Rules of Bankruptcy Procedure, and in support hereof, states to the Court as follows:

**I. INTRODUCTION**

This Application encompasses the time period from January 15, 2010 through preparation of Applicant's current Final Fee Application, April 2, 2015. The Application represents 27.0 hours of legal services provided to the Trustee. Applicant has neither previously requested nor obtained approval for payment of interim compensation or reimbursement of expenses. This Application seeks approval of legal fees in the amount of \$10,397.50 and \$219.70 for actual and necessary unreimbursed expenses.

On June 4, 2009, the Debtors initiated this bankruptcy proceeding with the filing of a voluntary Petition under Chapter 7 of the United States Bankruptcy Code and N. Neville Reid was appointed as the Chapter 7 Trustee herein. On July 22, 2009, based on the Schedules filed herein by Debtors and their testimony at the meeting of creditors, the Trustee filed a No Asset

Report with the Court. On September 21, 2009, the case was closed and the Trustee was discharged. On December 17, 2009, Debtors' counsel filed a Motion to Reopen the case and additionally filed Amended Schedules B and C to include a pre-petition personal injury claim. The case was reopened on December 29, 2009 and N. Neville Reid was reappointed as the Trustee on January 14, 2010.

On February 23, 2010, this Court entered an Order authorizing the Trustee to retain Applicant as legal counsel. The hourly rates of Applicant is competitive with the rates charged in this market by professionals with similar skills and experience, as disclosed and summarized in the Cover Sheet to this Application for Compensation and Reimbursement of Expenses.

## **II. CASE STATUS and NARRATIVE OF LEGAL SERVICES**

The Debtors' Amended Schedule "B" listed a pending personal injury claim with a value as "unknown". The Trustee requested further information regarding the potential case and spoke with the attorney the Debtor had retained, Ken Nix, regarding a value of the case. The Trustee determined the case had potential value for the estate and the Trustee contacted Applicant to further investigate/pursue the asset.

Applicant spoke with the Attorney for the Debtor, Ken Nix, regarding the pending case. On February 11, 2010, Applicant filed a Motion to Employ Springer Brown as attorneys for the Trustee as well as filing a Motion to Employ Ken Nix and the Law Firm of Brustin & Lundblad as Special Counsel to the Trustee on February 16, 2010. On February 23, 2010, this Court entered an Order approving employment of Applicant and an Order approving employment of Special Counsel.

On or about December 30, 2009, a personal injury action was filed on behalf of the Debtor, Efrain Ascencio (hereinafter "Debtor") against Davidson Homes, LLC ("Davidson") and Fandvec, LLC ("Fandvec"). The personal injury action was filed in the County Department, Law

Division in the Circuit Court of Cook County, IL Case No. 09L015928 ("the Lawsuit"). The Complaint sought damages for injuries suffered by Debtor as an employee of JMS Concrete Construction working on a Davidson project on property owned by Fandvec. The Lawsuit also sought damages in excess of \$50,000.00 on behalf of the Debtor's wife, Maribel Santos, ("hereinafter Co-Debtor") for loss of consortium as a proximate result of the injuries suffered by Debtor.

As a result of his accident, the Debtor's employer, JMS Concrete Company's workman's compensation insurance carrier Country Mutual Insurance Company paid \$615,056.05 in benefits to or on behalf of the Debtor, and consequently had a workman's compensation lien rights. Applicant was provided with information and documents regarding the merits of the Debtor and Co-Debtors' claims in the Lawsuit and defenses asserted by Davidson and Fandvec. Debtor, Co-Debtor, Davidson and Fandvec participated, along with the Applicant in pre-trial settlement negotiations and arrived at a settlement of \$425,000.00. The settlement consisted of \$141,666.67 being paid to Country Mutual Insurance Company in compromise of its asserted workman's compensation lien of \$615,056.05 for benefits paid out to or on behalf of the Debtor with the balance, \$283,333.33 to be paid to the Trustee.

On February 5, 2015, Applicant filed the Motion to Approve the Settlement and on March 3, 2015, the Court entered the Order approving the Settlement. On March 9, 2015, Applicant filed a Motion to Approve Special Counsel Fees and Expenses and on March 1, 2015, the Court approve the fee and expenses.

Applicant herein provided and maintained the normal and ordinary legal services to the Trustee in monitoring and overseeing liquidation and administration of the assets and coordinating efforts of the administration with the Trustee in the related Estate.

Itemized time entries for all Applicant's services to this Bankruptcy Estate are attached hereto as Exhibit "A" and an itemization of the reasonable and necessary expenses Applicant incurred is also attached as Exhibit "B". Applicant's request for reimbursement of expenses does not include any of the ordinary operating expenses of Applicant's practice of law. Applicant is requesting reimbursement of photocopy charges at the rate of 15¢ per copy. Applicant's expense request does not include any long distance telephone service charges.

**WHEREFORE**, Applicant, Thomas E. Springer respectfully requests that Trustee's Attorneys' fees in the amount of \$10,397.50 and reimbursement of actual and necessary expenses in the amount of \$219.70 be approved as reasonable and appropriate and that payment be authorized upon entry of the Order approving such payment as set forth herein for any such other and further relief as this Court deems just and equitable.

DATE: April 2, 2015

Respectfully Submitted,  
APPLICANT for  
N. Neville Reid, Trustee

BY: Springer Brown, LLC

By: /s/ Thomas E. Springer  
Thomas E. Springer  
One of His Attorneys

Thomas E. Springer  
Springer Brown, LLC  
Wheaton Executive Center  
400 S. County Farm Road, Suite 330  
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(630) 510-0000  
tspringer@springerbrown.com

**ATTORNEY TIME**

DATE	DESCRIPTION	HOURS	AMOUNT	ATTORNEY
1/15/10	Email to trustee regarding discussion with debtor's counsel and initially undisclosed personal injury claim. Review of potential merits of claim and likely distribution to estate. Request for reopening and investigation of administration of assets.	0.5	\$200.00	TES
1/15/10	Telephone conference with Trustee regarding discussion and communication with debtor's counsel and personal injury counsel, status of case	0.3	\$120.00	TES
1/19/10	Receipt of letter and confirmation Trustee regarding reopening of case and reappointment of Trustee.	0.1	\$40.00	TES
2/11/10	Prepare notice and Motion to Employ General Counsel on behalf of Trustee.	0.8	\$320.00	TES
2/16/10	Prepare notice and Motion to Employ Special Counsel, K. Nix.	0.8	\$320.00	TES
2/23/10	Motions for Employment of Springer Brown as General Counsel and K. Nix and Special Counsel. Orders Entered	0.5	\$200.00	TES
3/16/12	Confirmation to Trustee of status of case and posture of personal injury action by proposed special counsel.	0.3	\$120.00	TES
3/30/12	Receipt and review of correspondence from Trustee including update and status letter from special counsel to debtor for personally injury/workers compensation claim. Follow up contact with special counsel.	0.6	\$240.00	TES
3/30/12	Response with status to Trustee upon inquiry regarding personal injury/workers comp claim.	0.2	\$80.00	TES
8/14/12	Email with update to trustee on status of personal injury/ workers comp claim.	0.2	\$80.00	TES
11/14/12	Letter to special counsel regarding status and request for potential mediation and administrative status of bankruptcy estate. Copy to Trustee.	0.4	\$160.00	TES
11/16/12	Letter to C. Webster, special counsel firm, requesting mediation on personal injury case.	0.2	\$75.00	EAB
11/20/12	Telephone Conference with T. O'Hara, special counsel, on status of MSJ and settlement options.	0.3	\$112.50	EAB
11/21/12	Update to Trustee regarding status of underlying case.	0.2	\$80.00	TES
11/23/12	Confirmation from Trustee regarding letter request and status.	0.1	\$40.00	TES
12/10/12	Request for status from Trustee and response	0.1	\$40.00	TES
1/7/13	Request for status and discussion regarding case with Trustee.	0.2	\$80.00	TES

**ATTORNEY TIME**

5/1/13	Telephone conference with T. O'Hara on post-hearing status of MSJ; email to Neville with current status of MSJ.	0.5	\$187.50	EAB
5/9/13	Status update to Trustee regarding mediation and mandatory arbitration and follow up discussion with special counsel.	0.3	\$120.00	TES
6/27/13	Telephone conference with T. O'Hara, special counsel, on issues with MSJ and ongoing discovery; email to Neville on status of state court case.	0.4	\$150.00	EAB
9/11/13	Telephone conference with C. Webster, special counsel, regarding status of PI suit.	0.2	\$75.00	EAB
9/12/13	Telephone conference with M. Lundblad regarding PI's desire to discuss settlement; email to M. Lundblad with scheduled debt for settlement discussions.	0.4	\$150.00	EAB
10/14/13	Update discussion with Trustee regarding status of case and new counsel for debtor/plaintiff in workers compensation/personal injury claim.	0.2	\$80.00	TES
10/15/13	Email communication with special counsel and follow up directive from Trustee. Confirmation receipt.	0.3	\$120.00	TES
12/10/13	Update status to Trustee regarding case.	0.2	\$80.00	TES
3/25/14	Telephone Conference with special counsel regarding status update and potential mediation/arbitration, settlement negotiations.	0.5	\$200.00	TES
3/25/14	Email confirmation to special counsel regarding status of case. Copy to Trustee. Confirmation received by Trustee.	0.2	\$80.00	TES
6/10/14	Receipt and review of correspondence from special counsel M. Lundblad regarding status of case, mediation/arbitration of settlement negotiations. Copy with status update to Trustee.	0.5	\$200.00	TES
7/23/14	Communication from special counsel regarding schedule pre-trial conference on 7/29/14.	0.2	\$80.00	TES
7/23/14	Email communication with special counsel regarding status of case and impending pre-trial. Follow up with copy of special claims register to special counsel for analysis. Conformation of same and copy to Trustee.	0.6	\$240.00	TES
7/28/14	Telephone Conference with special counsel regarding status of case and impending mediation. Availability of Trustee General Counsel and Trustee for communication during mediation regarding settlement possibilities.	0.5	\$200.00	TES
9/9/14	Email inquiry regarding status of case to special counsel.	0.1	\$40.00	TES
10/13/14	Inquiry regarding status from Trustee and response.	0.2	\$80.00	TES

**ATTORNEY TIME**

11/19/14	Letter from special counsel regarding status and settlement negotiations. Report and forward same to Trustee.	0.3	\$120.00	TES
11/24/14	Communication with/to Trustee regarding potential settlement terms. Confirmation of acceptance for same for the estate. Forward same to special counsel.	0.3	\$120.00	TES
12/5/14	Inquiry from special counsel regarding totality of claims universe. Response and set up of conference with special counsel.	0.2	\$80.00	TES
12/6/14	Telephone Conference with special counsel regarding status of estate, totality of claims universe and affect on pending settlement discussion.	0.5	\$200.00	TES
12/8/14	Inquiry regarding settlements status from Trustee. Review of file and break down of potential and likely distribution based on recent settlement terms. Copy to Trustee and special counsel.	1.0	\$400.00	TES
1/6/15	Inquiry forward to special counsel and response to and from Trustee regarding status on settlement. Likely time table for receipt of funds. Update on motion for approval before bankruptcy court.	0.4	\$160.00	TES
1/22/15	Telephone conference with J. O'Donnell- info needed for Motion for approval of settlement; worked on motion to approve compromise and agreement	1.9	\$712.50	EAB
1/26/15	Worked on motion for approval of settlement; reviewed settlement agreement; emails to and from J. O'Donnell requesting additional information on mediation.	2.1	\$787.50	EAB
1/27/15	Worked on motion to compromise and settlement agreement; telephone conference with J. O' Donnell on Settlement Agreement; telephone conference with A. Masaukas on settlement agreement	2.0	\$750.00	EAB
1/27/15	Emails to Plaintiff and Defendants' attorneys regarding settlement agreement; emails to and from J. O'Donnell on fees and expenses; emails to and from A. Masaukas on workers comp lien.	0.8	\$300.00	EAB
2/3/15	Emails to and from M. O'Connor on need for notice of workers compensation lien; Review of Brustein expense detail; review of medical expenses detail; emails to and from M. O'Connor regarding lien information and discount.	1.2	\$450.00	EAB
3/3/15	Court Appearance motion to authorize settlement and compromise	0.5	\$212.50	DRB
3/4/15	Email to M. Lundblad with copy of 3/3/15 Order.	0.2	\$75.00	EAB

**ATTORNEY TIME**

3/4/15	Telephone conference with J. O'Donnell about turnover of settlement checks; Telephone Conference with J. O'Donnell on exemption payment and final report; emails to and from Neville on turnover of checks.	0.8	\$300.00	EAB
3/4/15	Telephone conference with J. O'Donnell regarding monies to Debtor and final report	0.3	\$112.50	EAB
3/5/15	Worked on Motion for Approval and Payment of Special Counsel	0.5	\$187.50	EAB
3/9/15	Preparation of Motion for approval and Payment of Special Counsel Fees.	1.0	\$375.00	EAB
4/1/15	Court appearance on Motion to Approve Compensation for Special Counsel	0.5	\$175.00	JDG
4/2/15	Draft Final Fee Application as General Counsel to the Trustee	1.4	\$490.00	MMS
	<b>TOTALS</b>	<b>27.0</b>	<b>\$10,397.50</b>	

**Exhibit A**

**EXPENSES**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
2/4/15	Postage for Trustee's Motion to Approve Settlement and Compromise of Controversy Per Rule 9019. (26 letters at \$1.61 each)	\$41.86
2/4/15	Copying cost \$0.15/page, 23 pages, 26 copies. Mtn to App Sett.	\$89.70
3/6/15	Postage for Trustee's Motion for Approval and Payment of Special Counsel. (26 letters at \$.69 each)	\$17.94
3/6/15	Copying cost \$0.15/page, 8 pages, 26 copies. Motion for approval and payment of special counsel	\$31.20
4/1/2015	Parking for court appearance	\$39.00
	<b>TOTAL</b>	<b>\$ 219.70</b>

**Exhibit B**